

REMARKS

Claims 1-20 are pending in the application. All the pending claims stand rejected. Enclosed herewith is a Declaration of the Somenath Mitra, the first named inventor of the application. In view of the Declaration and the following discussion, Applicants submit that all pending claims are in condition for allowance.

Claim Rejections

In the Office Action on page 2, paragraph 1, claims 1-2, 5 and 10-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,527,835 to Manginell et al. ("Manginell").

Applicants respectfully traverse this rejection. Enclosed is a Declaration under 37 CFR §1.131 wherein the first named inventor herein, Dr. Somenath Mitra, declares he invented the claimed subject matter at least as early as June 1998, which is well before the filing date of Manginell. Manginell was filed December 21, 2001. Attached to Dr. Mitra's declaration are copies of pages from his lab notebook evidencing conception of the claimed subject matter. Dr. Mitra further declares he was diligent from the time of conception through the time the application for the present invention was filed.

Based on the foregoing, Manginell is effectively removed as a reference, hence the rejection based thereon should be withdrawn.

On pages 2-5 of the Office Action, paragraphs 3-8, a variety of rejections were made under 35 U.S.C. § 103(a) using Manginell as the primary reference. Because Manginell is removed as a reference, these rejections are likewise overcome. Applicants respectfully request these rejections be withdrawn.

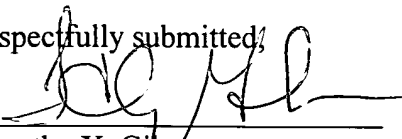
Applicants submit that all claims pending in the patent application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited. Enclosed herewith is a petition for a three month extension of time and fee. In the event there are any fees due and owing in connection with this matter, please charge same to our

Application No. 10/735,989

Attorney Docket No. 436/12

Deposit Account No. 11-0223.

Dated: August 7, 2006

Respectfully submitted,
By 
Timothy X. Gibson
Registration No.: 40,618
KAPLAN GILMAN
GIBSON & DERNIER, LLP
900 Route 9 North
Woodbridge, New Jersey 07095
(732) 634-7634
Attorneys for Applicant

G:\Clients\New Jersey Institute of Technology-436\436-12\436-12 Response to 02-10-06 OA.doc